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C O N F I D E N T I A L STATE 025578

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TAGS: FUN MOPS NATO PREL XF

SUBJECT: GAZA SMUGGLING INTERDICTION: AGREED PROGRAM OF ACTION FROM THE MARCH 13 LONDON MEETING

REF: STATE 20406

Classified By: T - Stephen D. Mull, for reason 1.4 (d)

¶1. (U) Summary and Action Request: Representatives of Canada, Denmark, France, Germany, Italy, the Netherlands, Norway, the UK, and the U.S. reached agreement in London March 13 on a Program of Action on interdiction of the flow of arms to Gaza. Text is in paragraph six. Department greatly appreciates posts' roles in making agreement in London possible. Department requests action addressees take advantage of appropriate opportunities to express appreciation for host government's support for the program of action and encourage their continued engagement as we move forward with implementation. Info addressees may draw on background points to brief host governments/organizations as appropriate. End Summary and Action Request.

¶2. (U) Objective: To encourage host governments' continued support for the Program of Action on Gaza arms smuggling interdiction, as agreed upon in London March 13.

¶3. (SBU) Background: Building on the February 4-5 discussions in Copenhagen, representatives of nine governments (Canada, Denmark, France, Germany, Italy, the Netherlands, Norway, the UK, and the U.S.) met in London on March 13 and reached agreement on a Program of Action for measures to help prevent and interdict arms smuggling to Gaza. The Program of Action aims to enhance coordination of information and intelligence sharing, diplomatic engagement, and military and law enforcement activities. Text of the Program of Action appears in paragraph 5.

¶4. (C) Several of the European delegations expressed concern over language that went beyond UNSCR 1860 (on Gaza), but ultimately consensus was reached to refer explicitly to UNSCR 1747 (Iran proliferation) and counterterrorism/nonproliferation regimes and conventions. Delegations agreed that language on humanitarian needs in Gaza would be appropriately balanced with reference to the necessity of cessation of rocket attacks on Israel. In addition to continued bilateral consultations, next steps include a Canadian-hosted follow-up meeting (date TBD) possibly in conjunction with a U.S.-organized table top planning exercise.

¶5. (SBU) As was the case in Copenhagen, the UK invited both Israel and Cairo to send observers. The Israelis accepted

the invitation; the GOE did not. Department will continue to update the Egyptian Embassy privately of this effort. We have also briefed the Chinese and Russian Embassies and plan to share copies of the Program of Action with them as well.

¶6. (SBU) Begin Text Program of Action:

This initiative constitutes a response to persistent concerns over the flow of weapons to the Gaza Strip. These efforts should be seen in the context of efforts to support an immediate and durable cease-fire, including a cessation of all violence such as rocket attacks against Israel and all other hostilities directed against civilians, and the unimpeded provision of humanitarian assistance to Gaza as well as the sustained re-opening of crossing points on the basis of the 2005 Agreement on Movement and Access. The initiative aims to develop an effective framework for international cooperation, supplementary to measures taken by regional states to prevent and interdict the illicit flow of arms, ammunition, and weapons components, to Gaza.

Participating governments seek to enhance efforts to prevent and interdict the illicit trafficking of arms, ammunition and weapons components to Gaza and within their jurisdiction to prevent the facilitation of such transfers. The Governments confirm their commitment to support efforts of regional states through activities farther afield. The Governments reaffirm that the international community has a responsibility to support prevention and interdiction efforts and that such efforts may involve a broad range of tools to include diplomatic, military, intelligence, and law enforcement components. These efforts build upon UNSCR 1860 and the principles and obligations pursuant to transfers of arms or related materials established in relevant UNSCRs including 1747. They recognize that these efforts include measures to prevent, disrupt, delay, stop, or seize illicit transfers of arms, ammunition and weapons components and offer a range of roles for members of the international community, taking into account counter-terrorism and non-proliferation conventions and regimes. Participation in this effort does not obligate states to take any specific action. Cooperative actions may involve only some of the participants.

Participating governments will support, in conformity with international and domestic law, and given national capabilities, a range of actions which could include:

Sharing Information and Intelligence

-- Enhance information gathering and sharing to support effective and timely prevention and interdiction measures, while protecting the confidential character of classified information. Such sharing would include the broadest possible array of relevant information about points of origin, contents, carriers and transit routes of suspect shipments.

Operating within existing or supplemental authorities and resources

-- Review and provide information on current authorities and resources, including customary international law and other regimes and initiatives; consider the potential means to enhance them and ways to develop additional tools, including through bilateral ship-boarding agreements and national legislation. Conduct regular consultations among legal experts aimed at efficient implementation of those authorities.

Coordinating diplomatic engagement

-- Coordinate approaches to flag, port, transit, origin and other states as appropriate to encourage full cooperation for prevention and interdiction efforts, to dissuade transit states from allowing their territory from being used to transfer arms, ammunition and weapons components and to prevent such transfers, including through cooperation based

on bilateral agreements.

-- Share best practices, including point of contact information, from their engagement with flag, port, transit, and origin states.

-- Engage with regional partners that have shared interests in preventing illicit flows of arms, ammunition and weapons components.

#### Coordinating military and law enforcement activities

-- Examine whether additional national assets might contribute to prevention and interdiction efforts.

-- Identify assets with responsibilities in existing missions as well as additional resources that could be made available.

-- Take action, to the extent that national legal authorities permit and consistent with international law, to support interdiction efforts. Such efforts may include inquiry, boarding, searching, stopping, seizing or other efforts necessary to prevent transfers of arms, ammunition and weapons components.

-- Encourage transit states to prevent suspected transfers and support such efforts as necessary.

#### Establishing a regular mechanism to review common efforts

-- Meet on a regular basis to review efforts and evaluate results. These meetings would be open to other governments prepared to support prevention and interdiction efforts.

-- Provide appropriate point(s) of contact for prevention and interdiction activities.

End Text.

**¶7. (SBU) Deadline for Responses and Points of Contact:**  
Department would appreciate posts' updates on host government thinking on this initiative by April 10. Further information on this message can be obtained from T staff (Constantinos Nicolaidis) or NEA/RA (Mike Adler or Adam Vaccaro).

CLINTON